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Louis M. Heidelberg Reed Smith LLP 2500 One Liberty Place Philadelphia, PA 19103-7301				
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			NASH, LASHANYA RENEE	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/881,671	<b>Applicant(s)</b> CHERN, VINCENT	
	<b>Examiner</b> LaShanya R. Nash	<b>Art Unit</b> 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

This action is in response to an amendment filed 23 July 2007. Claims 1-18 are presented for further consideration. Claims 1,3-5 and 18 are currently amended. Claims 19-26 are cancelled.

### ***Response to Arguments***

Applicant's arguments (i.e Gupte fails to disclose communicatively connecting the wireless communication device to a second server over the wireless communications network; and Qua and Gupte fail to disclose that the first server transmits a signal to the second server indicating a pending connection with the wireless device) see Remarks, filed 23 July 2007, with respect to the rejections of claims 1-2, 4-6,8-10, 13-14, and 16-18 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of a newly found prior art reference Detlef (US Patent 6,351,523), as set forth below in the Office action.

Applicant's arguments (i.e Qua does not teach recording the audio file on a second server) see Remarks, filed 23 July 2007, with respect to the rejections of claims 1-2, 4-6,8-10, 13-14, and 16-18 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of a newly found prior art reference Detlef (US Patent 6,351,523), as set forth below in the Office action.

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Applicant's argument (i.e. insufficient motivation to modify Qua based on the teachings of Gupte) with respect to claims 1-2, 4-6, 8-10, 13-14, and 16-18 has been considered but are moot in view of the new grounds of rejection in view of Detlef.

Applicant's arguments (i.e. modifying Qua to connect to an email server would render the system inoperable for its intended purpose of recording audio notes during a conversation) with respect to claims 1-18 have been fully considered but they are not persuasive.

In considering the Applicant's arguments the following factual remarks are noted:

(I) Applicant contends that Qua does not disclose receiving input from the user selecting an option by the first server to send the audio file to the email recipient and communicatively connecting wireless communication device to a second server over the wireless communications network in response to the selected option.

In considering (I), Applicant contends that Qua does not disclose receiving input from the user selecting an option by the first server to send the audio file to the email

recipient and communicatively connecting wireless communication device to a second server over the wireless communications network in response to the selected option.

Examiner respectfully disagrees. Examiner asserts that Qua expressly discloses receiving input from the user selecting an option by the first server to send the audio file to the email recipient. Specifically, Qua expressly discloses that the user selects an

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option presented using various interfaces by the audio note taking mechanism (i.e. speech recognition; key functions; column 7, lines 31-56), whether to forward an audio note as an email to the recipient (i.e. user has options with respect to processing or distribution of the audio note; user forwards the audio note to other users via the user's email; column 3, lines 59-67). Furthermore, Qua discloses that subsequently a connection to the email server is established based on the audio mechanism receiving the response to the selected item (i.e. audio note taking mechanism determines if the user has selected to forward the message via an electronic mail server; the file is then sent to the email server; column 5, lines 43-64).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1,4-6,8-10,13-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detlef (US Patent 6,351,523) in view of Qua (US Patent 6,222,909) in view of hereinafter referred to as Detlef and Qua respectively.**

In reference to claims 1, Detlef discloses a method for providing voice responses to email messages (abstract). Detlef further discloses:

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- A method for sending an audio file to an electronic email (email) recipient over a wireless communications network from a user of a wireless communication device (column 3, lines 50-63), the method comprising:
- Communicatively connecting to a first server (i.e. email server; Figure 1-item 36) over the wireless communications network (column 4, lines 41-54);
- Communicatively connecting the wireless device to a second server over the wireless communications network, wherein the first server transmits a signal to the second server (i.e. voicemail server; Figure 1-item 44) indicating a pending connection with the wireless communication device (i.e. EM-to-VM gateway connection to voicemail server; column 4, lines 50-60);
- Recording the audio file on the second server (i.e. voice memo function recorded onto voicemail system column 3, line 67-column 4, line 6; column 4, line 62-column 5, line 7);
- Sending the recorded audio file to the email recipient (i.e. .wav file or other audio file, which is transmitted as an attachment to the email; column 5, lines 8-13; column 5, lines 20-25).

However, the reference fails to expressly disclose that the method comprises receiving input from the user selecting an option presented by the first server to send the audio file to the email recipient, and connecting to the second server in response to the selected option. Nonetheless, this would have been an obvious modification to the

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method as disclosed by Detlef for one of ordinary skill the art at the time of the art at the time of the invention as further evidenced by Qua.

In an analogous art, Qua discloses a method for employing an audio note taking mechanism. The disclosed mechanism enables a user of a wireless device to store audio files (i.e. audio notes) and subsequently distribute them to other recipients over a wireless network via email (column 1, lines 40-49; Figure 1; and Figure 3). Qua further discloses receiving input from the user selecting an option presented by the first server to send the audio file to the email recipient (i.e. user has options with respect to processing or distribution of the audio note; user forwards the audio note to other users via the user's email; column 3, lines 59-67), and connecting to the second server in response to the selected option (i.e. audio note taking mechanism determines if the user has selected to forward the message via an electronic mail server; the file is then sent to the email server; column 5, lines 43-64). One of ordinary skill in the art would have been so motivated to accordingly modify the method of Detlef so as to provide user directed retrieval of saved voice memos thereby having additional options to the user with respect to distribution of audio messages, specifically audio message distribution via email (Qua; column 3, lines 59-67).

In reference to claim 4, Detlef and Qua show the audio note taking method wherein the step of selecting an option to send the audio file further comprises: viewing a received email file on the wireless communication device, (Detlef; Figure 2-item 60); selecting an option to respond to the received email file (Detlef; column 4, lines 30-40),

and selecting an option for attaching the audio file to the response to the received email file, (Qua;column 3, lines 59-67).

In reference to claim 5, Detlef and Qua show the audio note taking method wherein the step of communicatively connecting to a second server further comprises: transmitting a signal to the second server indicating a pending connection with the wireless communication device, (Qua column 3, lines 8-13 and column 3, lines 22-26); terminating the connection with the first server, (Detlef column 4, lines 30-40); and establishing an audio connection between the wireless communication device and the second server, (Qua column 4, lines 11-22 and column 6, lines 32-36).

In reference to claim 6, Detlef and Qua show the audio note taking method wherein the step of transmitting a signal to the second server (i.e. adjunct server for audio note taking mechanism) further comprises sending user identification information (i.e. identification code) to the second server, (Qua column 6, lines 32-36).

In reference to claim 8, Detlef and Qua show the audio note taking method wherein the step of recording the audio file further comprises: providing an audio input through the wireless communication device, (Qua column 3, lines 22-26); and storing the audio input as an audio file on the second server (i.e. adjunct server for audio note taking mechanism, (Qua column 4, lines 40-43).



In reference to claim 9, Detlef and Qua show the audio note taking method further comprises providing the user with at least one option, the option selected from the group consisting of: re-recording the audio file, canceling the recording, and sending the audio file to the email recipient, (Qua column 3, lines 59-66 and column 6, line 64 to column 7, line 19).

In reference to claim 10, Detlef and Qua show the audio note taking method wherein the step of sending the audio file to the email recipient further comprises: transmitting a signal (i.e. audio file) to the first server (i.e. email server) indicating that the audio file is ready to be sent; attaching the audio file to an electronic mail file; and sending the electronic mail file to the email recipient, (Qua column 5, lines 46-64 and Figure 3).

In reference to claim 13, Detlef and Qua show the audio note taking method wherein the first server (i.e. email server system) comprises an email server, (Gupte paragraph [0016], lines 1-13 and Figure 1).

In reference to claim 14, Detlef and Qua show the audio note taking method wherein the second server (i.e. adjunct server for audio note taking mechanism) comprises an interactive voice response server, (column 3, lines 22-26; column 4, lines 19-25; and column 4, lines 40-43; column 6, lines 32-35; and column 6, line 64 to column 7, line 19).

In reference to claim 16, Detlef and Qua show the audio note taking method wherein the audio file comprises a .wav file, (Detlef; column 5, lines 20-25).

In reference to claim 17, Detlef and Qua show the audio note taking method wherein the step of sending the audio file to the email recipient comprises the step of sending a hyperlink to the audio file stored on the second server (i.e. adjunct server for audio note taking mechanism), (Detlef column 5, lines 13-25).

**Claims 2 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detlef (US Patent 6,351,523) in view of Qua (US Patent 6,222,909) and Gupte et al. (US Patent Application Publication 2001/0034225) in view of hereinafter referred to as Detlef, Qua, and Gupte respectively.**

In reference to claim 18, Detlef discloses a method for providing voice responses to email messages (abstract). Detlef further discloses:

- A method for sending an audio file to an electronic email (email) recipient over a wireless communications network from a user of a wireless communication device (column 3, lines 50-63), the method comprising:
- Communicatively connecting to a first server (i.e. email server; Figure 1-item 36) over the wireless communications network (column 4, lines 41-54);

- Communicatively connecting the wireless device to an interactive voice response server over the wireless communications network, wherein the email server transmits a signal to the interactive voice response server (i.e. voicemail server; Figure 1-item 44) indicating a pending connection with the wireless communication device (i.e. EM-to-VM gateway connection to voicemail server; column 4, lines 50-60);
- Recording the audio file on the interactive voice response server (i.e. voice memo function recorded onto voicemail system column 3, line 67-column 4, line 6; column 4, line 62-column 5, line 7);
- Sending the recorded audio file to the email recipient (i.e. .wav file or other audio file, which is transmitted as an attachment to the email; column 5, lines 8-13; column 5, lines 20-25).

However, the reference fails to expressly disclose that the method comprises receiving input from the user selecting an option presented by the email server to send the audio file to the email recipient, and connecting to the second server in response to the selected option. Nonetheless, this would have been an obvious modification to the method as disclosed by Detlef for one of ordinary skill the art at the time of the art at the time of the invention as further evidenced by Qua.

In an analogous art, Qua discloses a method for employing an audio note taking mechanism. The disclosed mechanism enables a user of a wireless device to store audio files (i.e. audio notes) and subsequently distribute them to other recipients over a wireless network via email (column 1, lines 40-49; Figure 1; and Figure 3). Qua further

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discloses receiving input from the user selecting an option presented by the first server to send the audio file to the email recipient (i.e. user has options with respect to processing or distribution of the audio note; user forwards the audio note to other users via the user's email; column 3, lines 59-67), and connecting to the second server in response to the selected option (i.e. audio note taking mechanism determines if the user has selected to forward the message via an electronic mail server; the file is then sent to the email server; column 5, lines 43-64). One of ordinary skill in the art would have been so motivated to accordingly modify the method of Detlef so as to provide user directed retrieval of saved voice memos thereby having additional options to the user with respect to distribution of audio messages, specifically audio message distribution via email (Qua; column 3, lines 59-67). However, the references fail to disclose dialing a phone number for communicatively connecting the wireless communication device to an email server by a data packet connection over the wireless connection network. Nonetheless, this would have been an obvious modification to the method of Detlef and Qua for one of ordinary skill in the art at the time of the invention, as further evidenced by Gupte.

In an analogous art, Gupte discloses a method involving communicatively connecting to a first server via a wireless device, in order to access email messages including audio file attachments, (paragraph [0014], lines 1-16; paragraph [0016], lines 1-6). Gupte further discloses dialing a phone number for communicatively connecting the wireless communication device to an email server by a data packet connection over the wireless connection network (paragraph [0018], lines 1-11). One of ordinary skill in the

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art would have been so motivated to implement this modification so as to provide easy access to selected emails or other electronic communications via a wireless device (Gupte paragraph [0006], lines 6-10).

In reference to claim 2, Detlef and Qua fail to show dialing a phone number for communicatively connecting the wireless communication device; establishing a data packet connection between the wireless communication device and the first server. Nonetheless, this would have been an obvious modification to the method of Detlef and Qua for one of ordinary skill in the art at the time of the invention, as further evidenced by Gupte.

In an analogous art, Gupte discloses a method involving communicatively connecting to a first server via a wireless device, in order to access email messages including audio file attachments; (paragraph [0014], lines 1-16; paragraph [0016], lines 1-6). Gupte further discloses dialing a phone number for communicatively connecting the wireless communication device establishing a data packet connection between the wireless communication device and the first server (paragraph [0018], lines 1-11). One of ordinary skill in the art would have been so motivated to implement this modification so as to provide easy access to selected emails or other electronic communications via a wireless device (Gupte paragraph [0006], lines 6-10).

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Detlef and Qua as applied to the claims above, and further in view Oakes et al. (US Patent 6,205,342), hereinafter referred to as Oakes.**

In reference to claim 3, Detlef and Qua teach the audio note taking method wherein the step of selecting an option to send the audio file further comprises the step of selecting an option for attaching the audio file an email file, (Qua column 5, lines 46-52 and column 3, lines 59-66). However the references fail to teach expressly selecting an option for composing a new email file. Nonetheless, this limitation was well known in the art at the time of the invention, as further evidenced by Oakes. Therefore, one of ordinary skill in the art would have readily recognized the advantages to implementing this modification.

In an analogous art, Oakes teaches a user of a wireless device (i.e. cellular phone) entering a message creation mode in order to compose an initial email file (i.e. text message), (column 3, line 63 to column 4, line 12 and Figure 4). One of ordinary skill in the art would have been so motivated to accordingly modify the audio note method so as to increase the ease of generating email files (i.e. text message) for wireless device users, thereby increasing convenience (Oakes column 1, lines 6-10).

**Claims 7 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Detlef and Qua as applied to the claims above, and further in view Gibson et al. (US Patent Application Publication 2002/0016174), hereinafter referred to as Gibson.**

In reference to claim 7, Detlef and Qua disclose the audio note taking method that comprises disconnecting from the first server (i.e. email server system) (Gupte paragraph [0023], lines 1-5). However, the references fail to disclose storing a set of state information on the wireless communication device, the state information comprising a status of an interaction between the wireless communication device and the first server for allowing the wireless communication device to return to the same state in the first server that existed prior to the step of terminating the connection. Nonetheless, one of ordinary skill in the art would have readily recognized the advantages associated with implementing this modification to the audio note taking method, as further evidenced by Gibson.

In an analogous art, Gibson discloses a method involving web-enabled wireless devices switching between an Internet connection and telephone connection at the request of the user, (paragraph [0053], lines 1-10 and Figure 5). Gibson further discloses interruption processing that saves state information (i.e. base address) of the original connection on the wireless device in order to re-establishes communication to the associated entity, (paragraph [0053], lines 11-21). The aforementioned modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a mechanism for switching back and forth between voice communication and data communication to users of wireless devices, thereby increasing convenience (Gibson paragraph [0035], lines 1-5).

In reference to claim 11, Detlef and Qua teach the audio note taking method comprises disconnecting from the first server (i.e. email server system), (Detlef column 4, lines 30-40). However, the references fail to teach expressly reconnecting to the first server (i.e. email server system). Nonetheless, one of ordinary skill in the art would have readily recognized the advantages associated with this modification to the audio note taking method, as further evidenced by Gibson.

In an analogous art, Gibson teaches a method involving web-enabled wireless devices reconnecting access to voice communication and data communication such as the Internet, in order to directly access web content by using a telephone number format (paragraph [0014], lines 1-11; paragraph [0035], lines 1-5, and paragraph [0023], lines 1-7). This modification would have been obvious because one of ordinary skill in the art would have been motivated to provide an efficient mechanism for selecting between voice and data modes to users of wireless devices (i.e. wireless phones), (Gibson paragraph [0035], lines 1-5).

In reference to claim 12 Qua, Gupte, and Gibson show the audio note taking method wherein the step of reconnecting to the first server comprises: providing the user with a plurality of options selected from the group consisting of: listening to a second audio file stored on the second server, and reconnecting to the first server (i.e. email server system), (Qua column 7, lines 1-17; column 6, lines 32-35; Gibson paragraph [0036], lines 5-17; and Figure 3).



**Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Detlef and Qua as applied to the claims above, and further in view Segur (US Patent 6,212,550), hereinafter referred to as Segur.**

In reference to claim 15, Detlef and Qua show the audio note taking method involving connecting to a first server (i.e. email server system) and a second server (i.e. adjunct server for audio note taking mechanism). However, the references do not show a method wherein the first and second servers are connected by common platform means. Nonetheless, this modification would have been obvious to one of ordinary skill in the art at the time of the invention, as further evidenced by Segur.

Segur discloses a multi-format communications client-server that subsequently combines audio file storage and email distribution on a common platform, (column 1, lines 58-65; column 2, lines 27-55, and Figure 2). One of ordinary skill in the art would have been so motivated to accordingly modify the audio note taking method so as to access one centralized server, thereby decreasing time associated with accessing multiple message sources (Segur column 1, lines 58-65 and column 1, lines 24-27).

### ***Conclusion***


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

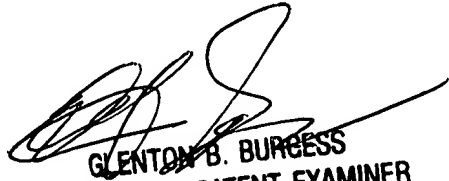
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R. Nash whose telephone number is (571)272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LaShanya Nash   
AU 2153  
September 29, 2007

  
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